

REMARKS

This Amendment is being filed simultaneously with a Request for Continued Examination. This Amendment serves as a submission under 37 C.F.R. §1.114.

Claims 1, 3-4, 6, 8-11, 13 and 22-24 are pending in this application. By this Amendment, claim 1 is amended and claims 7 and 12 are canceled without prejudice or disclaimer. Various amendments are made for clarity and are unrelated to issues of patentability.

The Office Action rejects the claims under 35 U.S.C. §103(a) over U.S. Patent 7,003,790 to Inoue et al. (hereafter Inoue) in view of U.S. Patent Publication 2003/0037333 to Ghashghai (hereafter Ghashghai), alone or in combination with one of U.S. Patent 5,416,693 to Yoshinari, U.S. Patent 7,006,881 to Hoffberg et al. (hereafter Hoffberg) and/or U.S. Patent 6,184,918 to Goldschmidt Iki et al. (hereafter Goldschmidt Iki). The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites that a consumption type recorder comprises a recording record area for recording relevant information and frequency thereof regarding when the user records the content, and a back-up saving record area for recording relevant information and frequency thereof regarding when the content is saved in an external storage besides a receiver. Independent claim 1 also recites that a consumption behavior recorder comprises a normal finish record area, a stopped record area, a skimmed record area, and a skipped record area. Independent claim 1 also recites that the consumption type recorder and the consumption behavior recorder have a storage record area for storing a separate content identifier or a content reference so as to manage the information on the consumption type and the consumption

Reply to Office Action dated December 23, 2008

behavior that are grouped according to each content, wherein the consumption behavior recorder has record areas for recording a section information of a relevant content regarding a specific action, wherein the section information of the relevant content includes at least one of section start/end information, section start/length information, and a flag value, and wherein each record area of the consumption behavior recorder has an area for storing a frequency of an action generated per each section of the relevant content.

The applied references do not teach or suggest at least these features of independent claim 1. As previously stated, subject matter of Ghashghai's paragraphs [0232], [0248], [0251] and [0254] are not prior art to the pending claims. Applicants will hereafter reference Ghashghai's parent application (09/422,121).

In at least one non-limiting example, the present specification describes that a separate content identifier 210e and 210g, or a content identifier, are provided in order to manage the information on the consumption type and the consumption behavior that are grouped according to each content. See FIG. 2 and page 10, lines 9-19. The applied references do not teach or suggest that a consumption type recorder and a consumption behavior recorder have a storage record area for storing a separate content identifier or a content reference so as to manage the information on the consumption type and the consumption behavior that are grouped according to each content, as recited in independent claim 1. Inoue and Ghashghai's parent application (and Ghashghai) do not teach or suggest a separate content identifier or a content reference.

The applied references also do not teach or suggest that the consumption behavior recorder has record areas for recording a section information of a relevant content regarding a

Reply to Office Action dated December 23, 2008

specific action, wherein the section information of the relevant content includes at least one of section start/end information, section start/length information, and a flag value. The Office Action states that Inoue does not teach various features of the claimed consumption behavior recorder. Ghashghai's prior application merely discloses that "button press" information may be recorded. This does not suggest section start/end information, section start/length information, and a flag value.

Additionally, the applied references do not teach or suggest that each record area of the consumption behavior recorder has an area for storing a frequency of an action generated per each section of the relevant content. The Office Action states that Inoue does not teach various record areas of the consumption behavior recorder. The Office Action then cites Ghashghai for features of the consumption behavior recorder. However, Ghashghai's prior application (as well as Ghashghai) does not teach or suggest that each record area of the consumption behavior recorder has an area for storing a frequency of an action.

For at least these reasons, Inoue, Ghashghai and the Ghashghai prior application do not teach or suggest at least these features of independent claim 1. Yoshinari, Hoffberg and Goldschmidt Iki do not teach or suggest the missing features of independent claim 1. Thus, independent claim 1 defines patentable subject matter.

Each of the dependent claims depends from independent claim 1 and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

Serial No. **10/025,920**

Docket No. **K-0373**

Reply to Office Action dated December 23, 2008

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 3-4, 6, 8-11, 13 and 22-24 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



David C. Oren
Registration No. 38,694

P.O. Box 221200
Chantilly, Virginia 20153-1200
703 766-3777 DCO/kah

Date: March 19, 2009

Please direct all correspondence to Customer Number 34610